

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JIMMY DALE MILLER #2007-0049271,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No.: 08 C 2054
DEPUTY SHERIFF MR. VELEZ, LT. MS.	)	
MARTINEZ, MR. HINTON, MS. C. GILES,	)	The Honorable Robert W. Gettleman
DEPUTY SHERIFF MR. LITHENBURGER "LB",	)	
DEPUTY SHERIFF MR. JOHNSTON, SGT. MR.	)	
PAUPT, SUPT. SALAZAR, SUPT, D. ANDREW,	)	
DEPUTY SHERIFF MR. ALOISIO,	)	
	)	
Defendants.	)	

**MOTION FOR EXTENSION OF TIME**

Plaintiff, Jimmy Dale Miller, by his court-appointed attorney, Daniel W. Tarpey of Seyfarth Shaw LLP, and for his Motion for an Extension of Time, states as follows:

1. On May 1, 2008, this Court appointed the undersigned counsel to represent Plaintiff in accordance with counsel's trial bar obligations under the District Court's Local Rule 83.37. This Court's Order of May 1, 2008 also directed the undersigned counsel to file an Amended Complaint within sixty days "if such amendment comports with counsel's obligations under Rule 11 of the Federal Rules of Civil Procedure."

2. While the undersigned has exchanged written correspondence with Plaintiff and had a telephone conversation with an individual purporting to be Plaintiff's "representative" as well as a witness to the incidents alleged in Plaintiff's original complaint, due to other commitments, the undersigned has not been able to adequately investigate the nature of Plaintiff's claims to ensure such claims comport with counsel's obligations under Rule 11 of the Federal Rules of Civil Procedure.

3. Accordingly, Plaintiff requests an extension of time of an additional forty-five days to either file an Amended Complaint which comports with Rule 11 or to inform the Court that counsel has determined that Plaintiff is unable to file an Amended Complaint which satisfies Rule 11.

WHEREFORE, Plaintiff, Jimmy Dale Miller, respectfully requests that this Court grant his motion for an extension of time and allow Court appointed counsel an additional 45 days to complete his investigation of Plaintiff's claims and to either file an Amended Complaint which comports with Rule 11 of the Federal Rules of Civil Procedure or inform the Court that Plaintiff is unable to do so and for any further relief this Court deems just and necessary.

Respectfully submitted,

JIMMY DALE MILLER

By: /s/ Daniel W. Tarpey

One of His Attorneys

Daniel W. Tarpey  
Colin M. Connor  
SEYFARTH SHAW LLP  
131 S. Dearborn, #2400  
Chicago, IL 60603  
(312) 460-5000

**CERTIFICATE OF SERVICE**

I, Daniel W. Tarpey, an attorney, do hereby certify that I have caused a true and correct copy of the foregoing **Motion For Extension of Time** to be served upon the following, via U.S. Mail, postage prepaid, on this 1<sup>st</sup> day of July, 2008:

Eric Cannon  
#2007-0094203  
Cook County Jail  
P.O. Box 089002  
Chicago, IL 60608

/s/ Daniel W. Tarpey

Daniel W. Tarpey

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JIMMY DALE MILLER #2007-0049271,

Plaintiff,

v.

DEPUTY SHERIFF MR. VELEZ, LT. MS.  
MARTINEZ, MR. HINTON, MS. C. GILES,  
DEPUTY SHERIFF MR. LITHEBARGER  
"LB", DEPUTY SHERIFF MR. JOHNSTON,  
SGT. MR. PAUPT, SUPT. SALAZAR, SUPT, D.  
ANDREW, DEPUTY SHERIFF MR. ALOISIO,

Defendants.

Case No.: 08 C 2054

The Honorable Robert W. Gettleman

**NOTICE OF MOTION**

TO: See Attached Service List

**PLEASE TAKE NOTICE** that on July 9, 2008, at 9:15 a.m., or as soon thereafter as counsel may be heard, the undersigned counsel shall appear before the Honorable Robert W. Gettleman, or any judge sitting in his stead, in Courtroom 1703 at the Dirksen Federal Building at 219 South Dearborn Street, Chicago, Illinois, and then and there present the attached **Motion for Extension of Time**, a copy of which is attached hereto and hereby served upon you.

**DATED: July 1, 2008**

Respectfully submitted,

JIMMY DALE MILLER

By: /s/ Daniel W. Tarpey

One of His Attorneys

Daniel W. Tarpey  
Colin M. Connor  
Seyfarth Shaw LLP  
131 S. Dearborn, #2400  
Chicago, IL 60603  
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**SERVICE LIST**

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